

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

BRIAN HAYNES,

Plaintiff,

v.

BOB BLUM, *et al.*,¹

Defendants.

Case No. 19-cv-912-NJR

MEMORANDUM AND ORDER

ROSENSTENGEL, Chief Judge:

This matter is before the Court on Defendant Bob Blum's motion to set aside default (Doc. 48) and motion for leave to file Answer out of time (Doc. 47). Blum seeks to vacate the default entered against him on June 11, 2012 (Doc. 42).

Pursuant to Federal Rule of Civil Procedure 55(c), "[t]he court may set aside an entry of default for good cause." "In order to vacate an entry of default the moving party must show: (1) good cause for default, (2) quick action to correct it, and (3) [a] meritorious defense to plaintiff's complaint." *Pretzel & Stouffer v. Imperial Adjusters, Inc.*, 28 F.3d 42, 45 (7th Cir. 1994); *Cracco v. Vitran Express, Inc.*, 559 F.3d 625, 630-31 (7th Cir. 2009). The standard for setting aside an entry of default is the same as that for setting aside a default judgment, but is applied more liberally. *Cracco*, 559 F.3d at 631.

Blum has met the standard for vacating the default. He has shown good cause because he sought counsel, but due to a processing error counsel did not receive the

¹ Defendant B. Blum has identified himself by his proper name, Bob Blum. The Clerk is DIRECTED to CORRECT the docket to reflect Defendant's proper name.

materials, including information regarding the Answer date. He also acted quickly to resolve the issue, filing his motion for leave to file an Answer (Doc. 47) the same day that default was entered. He also has a meritorious defense and seeks to file an Answer.

Given that defaults are disfavored and the standard for vacating an entry of default is liberally applied, the Court finds that Blum has met the requirements of Rule 55(c) and **GRANTS** the motion to vacate (Doc. 48) and motion for leave to file answer (Doc. 47). Blum's Answer is due **June 19, 2020**.

IT IS SO ORDERED.

DATED: June 12, 2020

The image shows a handwritten signature in black ink that reads "Nancy J. Rosenstengel". The signature is written in a cursive, flowing style. A faint circular seal of the United States District Court for the District of New Jersey is visible in the background behind the signature.

NANCY J. ROSENSTENGEL
Chief U.S. District Judge